

## Comments

## Responses



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

DEC 15

also for rel 12/8/00

December 8, 2000

Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Superintendent,

The Environmental Protection Agency (EPA) has reviewed the Revised Draft Environmental Impact Statement (RDEIS) for the **Death Valley National Park General Management Plan**, California and Nevada (CEQ# 000310, ERP# NPS-K65209-00). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act (CAA).

The proposed action is the implementation of a General Management Plan for Death Valley National Park. This General Management Plan would guide activities in the areas encompassed by the previous Death Valley National Monument and the new lands added to the unit in 1994 by the California Desert Protection Act (CDPA). Three alternatives are proposed: Proposed Action (Alternative 1), No Action (Alternative 2), and Optional Management Approach (Alternative 3). The primary objectives of the Proposed Action are the removal of feral burros and horses, management of continued grazing as provided for under the CDPA, area specific "concept plans," secure funding for acquisition of private property from willing sellers, and promoting the primary mission of the Park of preserving resources and providing for visitor enjoyment. The Optional Management Approach differs from the Proposed Action in that it allows for different site specific activities and specifies the acquisition of private land or mineral interests only in sensitive habitats. A Preferred Alternative is not identified.

EPA is highly supportive of the National Park Service's (NPS) mission of preserving resources and restoring natural ecosystems. EPA agrees that the implementation of a grazing management plan and the removal of feral burros and horses will greatly reduce negative environmental impacts to soils, vegetation, and water resources, and EPA supports this approach. We also commend the NPS on their extensive public outreach and public participation program in the development of this document.

EPA1

In general, in our review of the RDEIS, we have not identified any environmental impacts requiring substantive changes to the proposal. In addition, we believe the analysis provided adequately sets forth the environmental impacts of the alternatives considered. We have rated

EPA1: Comments noted.

## Comments

## Responses

16

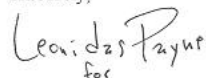
EPA1  
cont.

this document **LO, *Lack of Objections*** (Please see the attached *Rating Factors* for a description of our rating system). Since a Preferred Alternative has not been identified, this rating applies to each of the alternatives presented in the document.

Our rating of LO reflects our overall view of the adequacy of the document. However, we recommend the inclusion of clarifying language. For example, the document would benefit greatly from a specific comparison of current and expected levels of visitor activity and how changes in visitor use will be accommodated in area specific plans. We particularly recommend a discussion of how these changing use patterns will effect water resources. The current discussion of the impacts of the Proposed Action on water resources only discusses the beneficial impacts of burro removal and does not include a discussion of increased demand on very limited water resources. Please see our Detailed Comments for further discussion of these issues and our specific recommendations.

We appreciate the opportunity to review this RDEIS. When the Final EIS is completed, please send two copies to me at the address above. If you have any questions or comments, please feel free to contact me or Nova Blazej, the primary staff person working on this project. Nova Blazej can be reached at 415-744-2089 or [blazej.nova@epa.gov](mailto:blazej.nova@epa.gov).

Sincerely,



David J. Farrel, Manager  
Federal Activities Office

Attachments:      Summary of EPA Rating Definitions  
                         Detailed Comments

## Comments

## Responses

**SUMMARY OF EPA RATING DEFINITIONS**

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

**ENVIRONMENTAL IMPACT OF THE ACTION*****"LO" (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

***"EC" (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

***"EO" (Environmental Objections)***

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

***"EU" (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

**ADEQUACY OF THE IMPACT STATEMENT*****Category 1" (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

***"Category 2" (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

***"Category 3" (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

## Comments

## Responses

U.S. EPA DETAILED COMMENTS REVISED DRAFT EIS: DEATH VALLEY NATIONAL PARK GMP	
EPA2	<p><b>FUTURE ACTIVITY LEVELS</b></p> <p><u>Visitor Use</u></p> <p>The document discusses past and current visitor use (pp.149-151), but does not project future visitor use or traffic volumes. The document does, however, suggest that Park accommodations may currently be at or approaching capacity. For example, the RDEIS states that visitor accommodations are often sold out during the fall, winter, and spring (p.154), an increasing number of buses are entering the Park (p. 84), Park rangers reported approximately 120 vehicles parked at the warm springs the day after the Thanksgiving holiday (p.151), and overnight stays associated with tour buses have increased significantly (p.151). In light of this anecdotal evidence, EPA believes a projection of future visitor activities is warranted, as well as a discussion of how the NPS plans to accommodate or manage these future activities. In personal communication with Dennis Schramm, Management Assistant, Mojave National Preserve, he indicated that the Park would be able to absorb a 10% to 20% increase in visitor use. This information should be included and clearly presented in the Final EIS.</p> <p>► <i>Recommendation:</i> Include a projection of future visitor use levels in the Final EIS (FEIS) and discuss how the NPS plans to accommodate or manage these future use levels.</p>
	<p><u>Area Specific Plans</u></p> <p>The RDEIS includes a section on future planning efforts (p. 56), and the Proposed Action discusses general development concepts (p. 83). In light of the discussion above, it would be useful for the FEIS to present a clearer picture of proposed future development and to provide a comparison of existing and proposed development capacity.</p> <p>► <i>Recommendation:</i> In the FEIS, provide a table that compares existing and proposed facilities and the capacity of those facilities to accommodate NPS staff and visitor needs. For example, provide a comparison of the number of campsites, lodge accommodations, employee housing, etc. Where appropriate, include private operations, such as the Furnace Creek Inn and Ranch and proposed developments by the Timisha Shoshone Tribe.</p>
	<p><u>Impacts to Water Resources</u></p> <p>The discussion of impacts to water resources under “Environmental Consequences” of the RDEIS is limited to the beneficial impacts of the removal of feral burros and the reduction of grazing. An increase in future visitor levels at the Park has the potential to significantly impact water resources in Death Valley.</p>
EPA4	
U.S. EPA Comments on RDEIS: Death Valley GMP December, 2000 1 of 2	

EPA2: The National Park Service agrees that projections of future use levels would be helpful in planning efforts. In general throughout the National Park Service, visitor uses tend to grow at a nationwide average of about 3% per year. A projection system for a specific park that can predict growth in visitor use with any significant degree of accuracy for a certain timeframe has yet to be developed. Growth in visitation tends to occur in specific parks by occasional periods of fairly rapid growth, usually fueled by external factors that are notoriously difficult to predict.

Regarding NPS plans to manage increases in visitation, the National Park Service believes that current transportation systems, accommodations, facilities and resource conservation programs are very adequate to meet or exceed best projections for the foreseeable future. The National Park Service believes that staffing levels, support from volunteers, and cooperating organizations and accommodations outside the Park may need to be enhanced as visitation increases.

EPA3: The National Park Service plans very limited future new development within the Park. It is anticipated that some new facilities would be developed outside or on the edges of the Park as visitation increases.

EPA4: While there is the possibility that increases in use might negatively impact water resources within the Park, that has not been the experience since the Park was established in 1933. The management of the Park has aggressively moved to implement several significant improvements in water conservation, restoration of natural flows in many areas, removal of a great many water-using exotic species and the elimination of several maintained lawns and vegetated areas. Much is being done currently such as removal of athel tamarisk in Furnace Creek Wash, removal of oleanders near NPS headquarters and removal of palms in several areas within the Park. These plants are exotic and use great quantities of water. Their removal allows the water to be utilized by native species and other natural processes. Continued exotic plant species removal and site restoration would be conducted by Park staff and volunteers.

## Comments

## Responses

- EPA4 cont. { ▶ *Recommendation:* In the “Environmental Consequences” section, include a discussion of the potential negative impacts of increased visitor use of the Park on water resources. Also include a discussion of water conservation measures underway and planned for the future.
- EPA5 { **NEPA**  
Future programs and activities undertaken in Death Valley by the NPS will be tiered from the General Management Plan. The General Management Plan will guide the direction of these programs and activities, yet these programs and activities are still subject to the environmental review requirements of NEPA. It is important that this message is communicated to the public and decision-makers.
- { ▶ *Recommendation:* On the Summary page, include a sentence stating that programs or area specific plans developed under the General Management Plan are subject to further environmental review as required by NEPA.
- EPA6 { **TEXT CLARIFICATION**  
Park Administration  
The summary describing the Proposed Action for the administrative headquarters is unclear (p. 14). The summary states that the facilities are inadequate for existing staff and storage needs. Clarify whether the intent of the Proposed Action is to maintain these facilities in their existing conditions.
- EPA7 { Wildrose  
It is unclear from the text what type of development is under consideration for the Wildrose area (p.84).

EPA5: The National Park Service agrees and has included the suggested language.

EPA6: Page 83 of the Proposed Action indicates that planning for future administrative facilities would be guided by the desire to limit the growth of development and the related demand on Park resources such as water and land. This could be done by locating some administrative activities outside the Park. The National Park Service would also propose to better maintain and rehabilitate facilities that are useful and efficient from a resource conservation or visitor use standpoint.

EPA7: Page 84 of the Proposed Action states: A site plan will be developed for the Wildrose area to determine the future direction of the facilities and use of the area. This may include appropriate use by the Timbisha Shoshone Tribe in accordance with a jointly developed memorandum of understanding between the Tribe and the Park. This is the current state of thinking. The report on the Timbisha Shoshone Homeland indicates that the Tribe may have an interest in developing office, storage or other limited facilities at Wildrose. Given the significant amount of land at Wildrose ranger station that has been developed in the past and the impacts of the 1930s era CCC camp, the proposal of the Tribe would appear reasonable and action could be taken after appropriate environmental review. The NPS use will be approximately at the same level as in the past.

## Comments

## Responses



DEPARTMENT OF THE NAVY  
NAVAL AIR WEAPONS STATION  
1 ADMINISTRATION CIRCLE  
CHINA LAKE, CALIFORNIA 93555-6100

IN REPLY REFER TO:

5090  
Ser 8G0000D/5009  
7 Sep 2000

SEP 13 2000

Mr. Richard Martin, Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Mr. Martin:

The Naval Air Weapons Station (NAVAIRWPNSTA), China Lake, has received your *Revised Draft Environmental Impact Statement (EIS) and General Management Plan for Death Valley National Park*. After review of the revised draft EIS we found that our 1998 comment to the third paragraph on page 113 of the draft EIS was not addressed, although your response to our comment indicates that changes to the third paragraph of the draft EIS were made.

DON1

To reiterate the comment, the fourth paragraph on page 117 of the revised EIS should read, "In 1976, the Joint Policy and Planning Board Commanders (NAVAIRWPNSTA China Lake, Edwards AFB, Fort Erwin, and George AFB) agreed to restrict overflights above the existing National Monument Boundaries to 3,000 feet above ground level within the R-2508 Complex. The successive creation of the Complex MOA's in 1977 excluded this airspace; however, the exclusion was not extended to the expanded areas under the later designated Death Valley National Park. Occasionally, pilots have flown over designated areas below the 3,000 foot restriction. A process is in place for all complaints and reports of overflight restriction violations, forwarded by the National Park Service or the public, to be investigated and handled by the Complex management."

Thank you for the additional opportunity to review and comment on the revised draft EIS. If you have any questions regarding our comment, please contact Mr. Steve Pennix at (760) 939-3238.

Sincerely,

CAROLYN A. SHEPHERD  
Head, Environmental Project Office  
By direction of  
the Commanding Officer

DON1: The National Park Service had intended to include the comments from the U.S. Navy regarding aircraft overflights in the *Revised Draft Environmental Impact Statement*. Unfortunately through an oversight the comment did not get included in the Revised Draft EIS. The National Park Service repeats its commitment to revise the text as recommended by the U.S. Navy. See "Corrections and Revisions" section.

## Comments

DEATH VALLEY NATIONAL PARK  
ADVISORY COMMISSION

November 14, 2000

Mr. Richard H. Martin  
Superintendent  
Death Valley National Park  
Death Valley, CA 92328



Dear Superintendent Martin:

The Death Valley National Park Advisory Commission has completed its review of the Revised Draft Environmental Impact Statement and General Management Plan, dated July 2000. The Commission proposes changes in two elements contained in the "Backcountry and Roadside Camping" section of the Plan. The changes are as follows:

DVAC1

- The Commission believes that backcountry campfires are an enjoyable and traditional visitor activity and should be allowed. The Commission encourages the National Park Service to examine methods in which this can be accomplished, such as a permit system. A campfire permit could serve as a control system that would specify the conditions for allowing backcountry campfires while providing protection of natural resources.

DVAC2

- The Commission believes that specifying the group size limit for a backcountry special use permit is too detailed an approach to be included in the GMP and eliminates flexibility. It recommends that a group size limit be addressed in the Backcountry Management Plan based upon a statistical or other rational approach.

Overall the Commission finds the proposed GMP an excellent blending of policy, law, and public input that will guide Death Valley National Park in future years. All of the individuals, agencies and organization that participated in the formation of this document are to be commended.

Sincerely,

Alan Peckham  
Chairman

## Responses

DVAC1: The National Park Service agrees that campfires are quite enjoyable and a traditional visitor activity. That is why campfires are allowed in park campgrounds. Campfires also have a very unfortunate history of causing irreparable damage to park resources, specifically historic cabins and other structures. The history of fire damage from escaped human started fires within Death Valley National Park is extensive and very troubling. Neither the National Park Service nor any other agency has been successful in suppressing or controlling escaped fires once they get out of control in the Death Valley area. Distances from fire fighting facilities and staff are very long and sometimes they are not even available. The roads and other access is very difficult. Aircraft for fire fighting is usually unavailable. Water is rarely available. Very often fire fighting staff are completely unaware of an escaped fire until it becomes completely out of control or the structure is destroyed.

In addition, a small percentage of campfire builders are less conscientious regarding the gathering of wood for a campfire. The incidents of campfire builders ripping siding off of historic structures are, unfortunately, all too common. Once the siding is gone, it is gone forever and cannot be replaced.

The National Park Service has decades long experience with limiting campfires in the old Death Valley National Monument to developed and designated campgrounds only. The National Park Service believes that this was a significantly successful policy. That it allowed for the preservation of many structures that could have been otherwise destroyed by the careless use of fire. That the public benefited from this policy by being able to learn from and enjoy these facilities. In addition, this did not preclude the visitor's ability to enjoy campfires, since they could be used in the campgrounds.

Given these considerations the National Park Service is quite hesitant to permit the use of campfires at random locations within the park backcountry, even under a permit system. However, the National Park Service is also sympathetic to the desires of those who wish to have campfires in the backcountry, in some cases we share that desire. Accordingly, the National Park Service will review the situation over the next few months and provide a reasoned and consistent policy that will reflect our mandate to preserve park resources and still provide for visitor enjoyment.

## Comments

## Responses

DVAC2: The National Park Service agrees that the group size limit should be further addressed and more detail included in the Park's backcountry and wilderness management plan. The National Park Service is of the opinion that the limits are reasonable, appropriate and well thought out for the reasons outlined below.

The National Park Service has determined that the top number of vehicles allowed in a group for backcountry road use is 20 vehicles or 40 motorcycles. This is a reduction from the up to 400 motorcycles that were formerly allowed until 1995. The National Park Service has concluded that over 20 vehicles or 40 motorcycles is an intrusion and inappropriate in the park backcountry. The NPS went to the U.S. District Court in 1996 to establish this top limit and the Court concurred. With this top limit, it is the NPS's opinion that 16 or more people or 7 or more vehicles in a group should have a permit for backcountry camping. This is a camping permit, not a day use permit. There is no requirement for a day use permit. The NPS believes that this camping and vehicle limit is based on a well-thought-out and very rational approach for the following reasons:

- Many backcountry camping areas are too small to accommodate more than 16 people.
- Sixteen people need an average of 7 vehicles for transportation of people and equipment.
- Large groups tend to make a cumulative impact upon backcountry camping areas.
- The permit process gives the NPS an opportunity to educate groups on minimum impact camping techniques.
- The permit process is constructed so that NPS can educate groups on camping areas that are appropriate and that can handle their group size.
- Large groups tend to disturb smaller groups or families that are looking for the solitude of the desert.
- The permit process allows the NPS to educate groups on non-disturbance etiquette.
- The permit process is designed so that the NPS can recommend areas to preclude the congregating of several groups in one area at once.
- Should a particular area of the backcountry be extra-sensitive for some reason, such as a sensitive species, the NPS can recommend alternative areas to a large group.

Given these reasons, the NPS is of the view that the special use permit requirements are reasonable and appropriate. The NPS is fully in agreement with the Advisory Commission that the groups size limit should be further addressed and more detail included in the backcountry and wilderness management plan. It seems reasonable as a matter of public education and awareness that this information remains in the GMP.



## Comments

## Responses

KENNY C. GUINN  
Governor

STATE OF NEVADA

JOHN P. COMEAUX  
Director



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200

Carson City, Nevada 89701-4298

Fax (775) 684-0260

(775) 684-0209

RECEIVED

NOV 16 2000

MOJAVE NATIONAL  
PRESERVE

November 13, 2000

Mr. Dennis R. Schramm  
Mohave National Preserve  
222 E. Main St Suite 202  
Barstow CA 92311

Re: SAI NV # E2001-024

Project: Revised DEIS and RMP for the Death Valley National Park

Dear Mr. Schramm:

Enclosed are the comments from the Nevada Division of Water Resources, and the Natural Heritage Program concerning the above referenced report. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments or concerns in your final decision. If you have questions, please contact me at 684-0209.

Sincerely,

A handwritten signature in cursive script that reads "Heather K. Elliott".

Heather K. Elliott  
Nevada State Clearinghouse/SPOC

## Comments

## Responses

## NEVADA STATE CLEARINGHOUSE

Department of Administration  
Budget and Planning Division  
209 East Musser Street., Room 200  
Carson City, Nevada 89701-4298  
(775) 684-0209  
fax (775) 684-0260



DATE: September 28, 2000

Governor's Office  
Agency for Nuclear Projects  
Agriculture  
Business & Industry  
Energy  
Minerals  
Economic Development  
Tourism  
Fire Marshal  
Human Resources  
Aging Services  
Health Division  
Indian Commission  
Colorado River Commission

Legislative Counsel Bureau  
Information Technology  
Emp. Training & Rehab Research Div.  
PUC  
Transportation  
UNR Bureau of Mines  
UNR Library  
UNLV Library  
Historic Preservation  
Emergency Management  
Office of the Attorney General  
Washington Office  
Nevada Assoc. of Counties  
Nevada League of Cities

## Conservation-Natural Resources

Director's Office  
State Lands  
Environmental Protection  
Forestry  
Wildlife  
Region 1  
Region 2  
Region 3  
Conservation Districts  
State Parks  
Water Resources  
Water Planning  
Natural Heritage  
Wild Horse Commission

Nevada SAI # E2001-035 Ref. E1999-024

Project: Revised DEIS and RMP for the Death Valley National Park

NOTE: Cleainghouse has backed up the response date on this document to allow time for a consolidated response.

☒ Yes ☐ No Send more information on this project as it becomes available.

## CLEARINGHOUSE NOTES:

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **November 8, 2000**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Heather Elliott, 684-0209.

## THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

☐ No comment on this project  
☐ Proposal supported as written  
☐ Additional information below  
☐ Conference desired (See below)  
☐ Conditional support (See below)  
☐ Disapproval (Explain below)

## AGENCY COMMENTS:

NV1

Any new water rights appropriations within the State of Nevada must be done pursuant to Nevada Revised Statutes chapters 533 and 534. Any claims of reserved water rights within the State of Nevada are determined under Nevada water law – Nevada Revised Statutes chapter 533.

NV1: Comments noted.

Karl Eitenmiller  
Signature s:\shardat\clear\clear.doc  
KARL EITENMILLER

WATER RESOURCES  
Agency

11-01-00  
Date

## Comments

## Responses

Page 1 of 1

**Heather Elliott**

**From:** "James D. Morefield" <jdmore@govmail.state.nv.us>  
**To:** "Elliott, Heather" <hellott@govmail.state.nv.us>  
**Sent:** Wednesday, November 08, 2000 11:21 AM  
**Subject:** E2001-035 Death Valley NP revised DEIS

This is the Nevada Natural Heritage Program's response to the Nevada State Clearinghouse item referenced below. Please contact us if this response is needed in hard-copy or another format. Otherwise hard-copy will be retained in our files according to our Records Retention Schedule.

NEVADA SAI#: E2001-035  
 PROJECT: E2001-035 Death Valley NP revised DEIS  
 COMMENTS DUE: 8 November 2000  
 Send more information on the project as it becomes available: YES  
 Check-offs: Proposal supported as written, Additional information below

## AGENCY COMMENTS:

We support the proposed action for the enhanced resource management opportunities its implementation will provide to the California lands newly added to Death Valley National Park, and to the resources these areas share with adjacent Nevada lands both inside and outside the Park.

(signed) James D. Morefield, Biologist III/Botanist  
 Nevada Natural Heritage Program  
 8 November 2000

~~~~~  
 James D. Morefield, Botanist  
 Nevada Natural Heritage Program  
 Department of Conservation and Natural Resources  
 1550 East College Parkway, suite 145  
 Carson City NV 89706-7921 U.S.A.

~~~~~  
<http://www.state.nv.us/nvnhp/>  
[email: jdmore@govmail.state.nv.us](mailto:jdmore@govmail.state.nv.us)  
 tel: (775) 687-4245  
 ~~~~~

NV2

NV2: Comments noted.

11/8/00

## Comments

## Responses

### DEPARTMENT OF FISH AND GAME

Inland Deserts-Eastern Sierra Region  
330 Golden Shore, Suite 250  
Long Beach, CA 90802  
(562) 590-5132



December 4, 2000



Mr. Richard Martin, Superintendent  
Death Valley National Park  
Death Valley, CA 92328

Dear Mr. Martin:

The Department of Fish and Game (Department) has reviewed the document entitled "Revised Draft Environmental Impact Statement and General Management Plan, Death Valley National Park California and Nevada" (Plan). The Plan presents the proposed management approach and two alternatives for the management of Death Valley National Park (Park). The proposed action seeks to extend the existing management strategies from the 1989 General Management Plan for the previous National Monument, and the National Park Service (NPS) mission and policies, to the management of the resources within the new lands added to the unit in 1994 by the California Desert Protection Act (CDPA). It also incorporates the designation of 95% of the Park as wilderness into the management strategy and addresses the removal of feral animals from the Park. This alternative considers grazing and mining as components of the management as compelled by the CDPA, identifies plans needed to address site specific issues, and seeks funding for the purchase of private property from willing sellers.

Two other alternatives presented in this document include the existing management (No Action), and an optional management approach. Under existing management no changes in recreation use would occur, visitor and support services would be maintained, and other activities would remain at status quo. The optional alternative provides for approval of the use of airstrips at Saline Valley Warm Springs, designating campsites at Warm Springs, and specifies acquisition of private land or mineral interests only in sensitive habitats, and phases out the concession at Stovepipe Wells.

The Department is providing comments on this Plan as the state agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats in California. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish & Game Code section 711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary

## Comments

## Responses

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 2

for biologically sustainable populations of those species (Fish & Game Code section 1802). The Department's fish and wildlife management functions are implemented through its administration and enforcement of the Fish and Game Code (Fish & Game Code Section 702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. Sec. 15386(a)), and it is charged with review of requests to appropriate water and the analysis of cumulative effects of diversions on fish and wildlife resources (Pub. Res. Code Secs. 1000, 10003). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Department acknowledges the NPS for responding to our letter of January 12, 1999, and incorporating several of our recommendations into the Plan. However, we remain concerned with the visitor services emphasis of the document, and continue to believe that biotic resources should be given more attention in the Plan. We also believe that the Park's commitment to a burro reduction program is a positive action which will have tremendous beneficial impacts to aquatic, wildlife and plant resources.

With the exception of our comments which were incorporated into the Plan, our recommendations and justifications for those recommendations which are contained in our January 12, 1999 letter, remain. The Department's comments pertain to those species found within the Park within the State of California.

CDFG1

In general, we continue to believe that the Plan should establish priorities and provide more specific guidance for management and conservation of biotic resources. We believe that the Plan would be strengthened by including guidelines for protection and enhancement of fish, wildlife, and plants and their habitats. Several of the responses to our earlier comments cite that future planning and environmental review will be completed, and that the level of detail we are requesting would be more appropriate for those planning documents. While we do agree that this Plan cannot contain an enormous amount of detail for all biotic resources, we remain convinced that this Plan can and should provide a greater level of guidance for future decision makers to use when writing plans and evaluating proposals which could affect fish and wildlife resources. This Plan should contain specific Standards and Guidelines for management of biotic resources within the Park. For example, Desired Future Conditions (DFC) for habitats should be developed and included in the Plan. These DFCs should then be used to guide management and enhancement activities, to establish priorities for funding, and to assess whether proposed recreational or visitor use developments are consistent with maintenance and enhancement of these habitats.

The NPS has responded to our earlier recommendations to provide more

CDFG1: The National Park Service continues to believe that specific programs for the management of biotic resources is of such detail and such a magnitude that it would not be feasible to include that information within this plan, which is purposely a very general, overarching document. We appreciate the department's statement regarding the inclusion of a statement in the general management plan that commits the National Park Service to the development of specific guidance for the management of biotic resources. We agree with the Department on this matter and will revise the management plan accordingly. We also concur with the Department regarding the inclusion of the entire Park in the Resource Management Plan, rather than just the newly acquired lands and we will note that in the general management plan.

## Comments

## Responses

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 3

CDFG1  
cont.

specific guidance for biotic resources by offering to address these resources in an upcoming revision of the Park's Resource Management Plan. The deferred preparation of these guidelines to the future development of a Resource Management Plan are acceptable to the Department, provided the following suggestions are incorporated into the Plan. First, we believe the General Management Plan should contain a commitment to develop these guidelines within the Resource Management Plan. Second, we believe the Resource Management Plan should cover the entire Park, rather than only the newly acquired lands. We continue to believe that biotic resources are being impacted by ongoing activities within the old Monument boundaries. These resources and impacts should be addressed in a revised Resource Management Plan. For example, impacts to aquatic resources from water use at Furnace Creek, and impacts of visitor use on *Assiminea infima* at Badwater Spring should be addressed.

CDFG2

The Department would like to work cooperatively with the NPS regarding any fish, wildlife, and plant resource issues. The CDPA Section 103 (e) (f) entitled Fish and Wildlife Management states: "As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies."

### Specific Comments

Page 41, Desired future conditions

CDFG3

No desired future conditions are given for habitats. All of the desired future conditions are described in terms of visitor use. Desired future conditions for sensitive resources and habitats should be developed and included which describe the biological function of the habitat type. The NPS responses to our January 12, 1999 comment (CDFG Comment #8) letter on the initial draft states "Desired future condition statements have been added to address this concern." We are unable to locate these additions in the current draft.

Page 66, Water Use

CDFG4

Water should be prioritized for habitat restoration and endemic species protection at Texas Spring and Travertine Spring in the Furnace Creek area. While Table 5. (p 118) indicates average use of over 2,000 acre-feet per annum at Furnace Creek, it is unclear in Appendix B-4 which state water rights authorize this use. This information would assist reviewers of this plan in understanding the obstacles and

CDFG2: Comment noted.

CDFG3: A section on sensitive resources and habitat types has been added to the desired future conditions.

CDFG4: While this is a site-specific issue and of more detail that can be included in the general management plan the National Park Service agrees with the California Department of Fish and Game that it is an issue of significance within Death Valley National Park. For information purposes the National Park Service is currently initiating a focused environmental impact statement specifically to address the Travertine and Texas Springs issues of the environment, of the law, of water rights, of facility management, of public health, of highway safety and other considerations. Water rights in the area are complex since Amfac Parks and Resorts, as a private inholder, has a significant water right, the Timbisha Shoshone Tribe was granted a water right by recent legislation and the National Park Service utilizes a small amount of water for camping and visitor center facilities. Significant conservation efforts have occurred in recent years, but the process needs analysis, planning, priorities and procedures. Public scoping meetings for the environmental impact statement will be held and alternatives developed. The process is expected to take two to three years to complete. Out of this will come a water management plan to address all concerns.

We believe this demonstrates the value of the NPS-tiered planning process. The general management plan provides general guidance and we then follow-up with specific plans and NEPA compliance to address detailed programs such as Travertine and Texas Springs water issues.

## Comments

## Responses

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 4

CDFG4  
cont

opportunities for restoration of aquatic resources in this area. Given the scarcity and ecological value of natural waters in the desert, it is difficult to understand why NPS has allowed the golf course to be kept green year round and not required water conservation devices in the guest facilities. Reallocation of significant water to the natural spring systems would be most consistent with the Death Valley National Park Purpose as stated on Plan page 35 to "Preserve the unrivaled... natural resources of these unique natural landscapes, while perpetuating significant and diverse ecosystems of the California desert in their natural state."

Page 66, Wildlife Guzzlers

CDFG5

Pursuant to CDPA Section 103 the Department looks forward to cooperating with the NPS regarding any modifications in the current management of guzzlers.

Page 68, Sensitive Species

CDFG6

Death Valley's tortoise population may be a small but significant population segment. These animals exist at the margin of the species' range. There are good theoretical reasons to expect they may be genetically distinct, and genetic work should be planned to assess this. They are free of diseases ravaging the core populations. Additional survey work should be conducted to provide accurate population status information. NPS biological staff should become active with the Desert Tortoise Oversight Group, to coordinate with overall tortoise planning across the desert.

CDFG7

We continue to believe that the NPS should strive to protect and perpetuate the natural distribution and abundance of all native species in the same manner it would promote the conservation of federally listed or proposed species. Sensitive or Special Status species should be managed to prevent future listings of those species. We appreciate the incorporation of our requested language change into the Plan (CDFG Comment #16). We agree that addressing special status species management in an updated Resource Management Plan is appropriate. However, we also firmly believe that providing some overall guidance in this document is essential.

Any active management programs conducted by the NPS should be coordinated with the Department and with the U.S. Fish and Wildlife Service (USFWS) if involving state and/or federally listed species or species of special concern. The Department shall participate to the greatest extent practicable in any federal consultation involving a state or federally listed threatened or endangered species.

Page 71, Inventory and Monitoring

CDFG8

The NPS responses to our earlier comments (CDFG #21 and 25) state that the

CDFG5: Comments noted.

CDFG6: The National Park Service agrees with the comment.

CDFG7: Comments noted.

CDFG8: From the standpoint of obtaining funding for inventory and monitoring programs, the National Park Service is in agreement with this statement. Since inventory and monitoring programs are specific to the resource being inventoried and monitored, any comprehensive plan must be very general in nature. The Park staff have aggressively pursued funding for inventory and monitoring programs and there is a distinct possibility that some funding will be received in the next years.

## Comments

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 5

CDFG8  
cont

Park currently does not have a budget for inventory and monitoring, and that funding will be sought to carry out inventory and monitoring activities. We believe that this Plan should establish priorities and provide guidance for Park staff to use when developing the Inventory and Monitoring Plan, and that the preparation of that plan be given a high priority. It is our belief that the anticipated funding would be easier to obtain if the Inventory and Monitoring Plan was already in existence.

Page 74, Native American Interests

CDFG9

We concur with the statement "Any development or resource use activities will...be subject to appropriate National Environmental Policy Act compliance and public review, especially in regards to water resources that might be harmed by groundwater pumping with any new developments."

Page 78, Recreational Activities

CDFG10

The NPS should determine whether sand sledding and skiing at the Eureka Dunes are appropriate activities in the Park. Continued permission of these activities warrants preparation of a Biological Opinion in view of the sensitive endemic species at that site discussed on page 130.

CDFG11

Incursion of off road vehicles into the Park at Surprise Canyon should be prevented as an inappropriate activity with adverse impacts to aquatic and riparian ecosystem function.

Page 84, Roads

CDFG12

The management philosophy "to protect cultural and natural resources, enhance the visitor experience, while providing for safe and efficient accommodation of Park visitors" creates conflicting mandates. Roads per se do not protect resources, but poorly conceived road improvements can damage resources by funneling visitor use into or near sensitive areas. Prioritization decisions are inappropriately deferred to future revisions of the road management plan. The Department believes the Plan should set management direction affirmatively, and suggests the following philosophy statement: "to enhance the visitor experience, while providing for safe and efficient accommodation of Park visitors consistent with full protection of sensitive cultural and natural resources."

## Responses

CDFG9: Comments noted.

CDFG10: On March 27, 2001, the Death Valley National Park superintendent decided to prohibit sandboarding and sand skiing on the Eureka Dunes. The specific details of these closures will be worked out. The National Park Service has initiated a variety of management actions designed to assure the protection of the species such as closures of the airstrip, improved barriers, a major increase in ranger patrols and use monitoring, a plant monitoring protocol and a two stage site planning process. The first phase, for which NEPA compliance has been completed, will move both parking areas away from the dunes but still within walking distance, will close many redundant and short-cut roads, will provide better interpretation, and will provide more direction. The second phase of the site-specific planning process will go into more detail on areas along the road toward Steel Pass and other issues.

CDFG11: The first 2 miles of the Surprise Canyon road are on lands managed by the Bureau of Land Management. Only the last approximately 2 miles are within the Park. This road is an exclusion from wilderness. This road accesses private lands within the Park that are part of the historic Panamint City. There has been recent litigation regarding the BLM portion of this road.

CDFG12: The National Park Service is in general agreement with this statement given the following considerations. While poorly conceived roads can have a detrimental effect on natural and cultural resource conservation, well-planned roads can provide for visitor access, education on conservation and enjoyment of park resources. Park road systems are usually an aggregate of historic routes, trails that were converted to roads during horse and buggy days, early park planners opinions on road locations, the dictates of terrain and weather, and above all: the constraints of funding for construction and maintenance of roads. Evolving road systems and facilities involves a highly complex process of analysis of the benefits and problems with any particular



## Comments

## Responses

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 6

Page 91, Sand and Gravel for Road Maintenance

CDFG13

Depending upon the entity conducting the road work and removal of material from wash areas, a Streambed Alteration Agreement may be required pursuant to Section 1600 et. seq. of the Fish and Game Code and may require other permits issued by the Department regarding potential take of a listed species.

Page 106, Mineral Development Activities

CDFG14

The Department appreciates the response to our comment (CDFG Comment #10). The response states " Regardless of the approach, if the proposed mineral operations could not be mitigated to meet NPS approval standards, the proposed plan would be denied." We could not find this statement in the Plan, however. We request that this language be incorporated into the Plan, rather than be contained in an appendix of the Plan.

Page 129, Riparian Bird Species

CDFG15

The Department appreciates the incorporation of language into the Plan addressing the issue of brown-headed cowbird nest parasitism. We also request that Park staff work cooperatively with the Department, as well as with USFWS, to develop a solution if a problem is identified. We believe this is an issue which warrants investigation, and request that Park staff identify this issue as a high priority when developing the Resource Management Plan, and Inventory and Monitoring Plan. We believe this issue would provide a good opportunity for the NPS to work cooperatively with our Department to obtain funding through Partners in Flight, or National Fish and Wildlife Foundation, to investigate the level of cowbird nest parasitism on riparian dependent bird species.

In summary, the Department recommends that the Preferred Alternative be amended to include Desired Future Conditions for habitats, or a commitment to develop Desired Future Conditions for habitats in the updated Resource Management Plan, as well as a commitment to address existing impacts to biological resources within the entire Park in the Resource Management Plan. We also request that the Preferred Alternative contain guidance for conservation of all sensitive species within the Park. We request also that the Preferred Alternative be amended to include priorities and guidance for an Inventory and Monitoring Program, and that the Preferred Alternative be amended to include our additional comments as stated in this letter.

Thank you for the opportunity to provide comments on the General Management Plan and Revised Draft EIS. If you have any questions, please contact Mr. Darrell Wong, Habitat Conservation Program Supervisor, at 407 W. Line Street, Bishop CA

facility, the benefits to be gained by a change, any negatives foreseen with a change, the practicalities of public acceptance and the probabilities of adequate funding with which to effect a change in road status.

CDFG13: Comments noted.

CDFG14: This language has been incorporated into the plan. See corrections and revisions section.

CDFG15: Comments noted.

## Comments

## Responses

Mr. Richard Martin  
Death Valley National Park  
December 4, 2000  
Page 7

93514; telephone 760-872-1128.

Sincerely,



Alan Pickard  
Deputy Regional Manager  
Eastern Sierra Inland Deserts Region

cc: C. Taucher, Long Beach  
D. Wong, Bishop

## Comments

## Responses



■ ■ ■  
 801 K STREET  
 SACRAMENTO  
 CALIFORNIA  
 95814  
  
 PHONE  
 916/322-1080  
  
 FAX  
 916/445-0732  
  
 INTERNET  
 consrv.ca.gov  
 ■ ■ ■  
 GRAY DAVIS  
 GOVERNOR

DEPARTMENT OF CONSERVATION  
 STATE OF CALIFORNIA

December 8, 2000

Ms. Mary Martin, Superintendent  
 Mojave National Preserve  
 222 E. Main Street, Suite 202  
 Barstow, CA 92311

Mr. Richard Martin, Superintendent  
 Death Valley National Park  
 Furnace Creek, CA 92328

Subject: Revised Draft Environmental Impact Statements (DEIS) for the  
 Death Valley National Park (DVNP) and Mojave National  
 Preserve (MNP) General Management Plans (GMP)

Dear Superintendents:

The Department of Conservation's (DOC) Division of Mines and Geology  
 (Division) and Office of Mine Reclamation (Office) have reviewed the  
 DEIS documents for the two referenced GMPs. The Division maps and  
 classifies the State's mineral resource deposits and provides information  
 to lead agencies in support of land use decisions that conserve these  
 resources. The Office is responsible for the statewide administration of  
 the Surface Mining and Reclamation Act of 1975 (SMARA). We offer the  
 following comments with respect to mine reclamation and mineral  
 resources.

Mineral Resources

The mineral resources of the project areas have been well documented by  
 the Division, the U.S. Geological Survey, and the U. S. Bureau of Mines.  
 As a result of the complex and significant geologic history of the region,  
 the DVNP and MNP contain a great variety of important geological  
 features and related metallic and industrial mineral resources. However,  
 mineral resources are either not represented in the DEIS/GMP as having  
 equal significance, or not listed at all among the physical resources (air  
 quality and visibility, night sky, noise, water, and paleontological and  
 geologic resources) discussed. Neither do the documents cite a number  
 of key sources of information about mineral resources in their respective  
 reference sections.

DOC1

DOC1: Mineral resources are addressed extensively on pages 138  
 and 162 of the Affected Environment and in the Land  
 Protection Plan on page 233 under "Mineral Rights."  
 Mineral resources are addressed further in the Comments  
 and Responses Draft Document on pages 110 and 111  
 under "Abandoned Mine Lands," "Standards," "Valid  
 Existing Rights," "Management Objectives," "Mining  
 Authorized Activity," "Minerals as a Natural Resources,"  
 "Rainbow Talc Mine," "Restoration," "Sensitive Resource  
 Analysis," and "Range of Alternatives." The National  
 Park Service agrees that mineral resources, including their  
 extent, diversity, and exploration are important aspects of  
 the management of Death Valley National Park and the  
 Death Valley story for interpretation to visitors. These  
 stories are recognized in the plan's purpose and  
 significance statements and interpretive themes. We  
 believe that management of mineral resources is dealt  
 with through the regulation of mining, which is explained  
 in the sections identified above.

## Comments

Ms. Mary Martin and Mr. Richard Martin  
December 8, 2000  
Page 2

- DOC2 Both DEIS/GMP documents cover important mineral resources issues. For example, the DVNP DEIS/GMP addresses eliminating or minimizing of the adverse effects of mining and mineral development; provides for the reclamation of mining areas; and, describes the eventual completion or phase-out of mining. Similarly, the MNP DEIS/GMP discusses valid existing mineral rights; mitigation of hazards associated with abandoned mines; purchase of patented mining claims; and, restrictions on mineral development. Nevertheless, we believe that neither document gives appropriate attention to the historical development of mineral deposits; variety of mineral deposits; association of geological processes and mineral deposit formation; or, mineral economics. We also believe that the DVNP falls short in recognizing important educational opportunities (in addition to mining history) that the objective, scientific presentation of mineral resource information can offer to visitors to the DVNP. Finally, neither the Division nor any other state or federal agencies with comprehensive knowledge of mineral resources in the region participated as cooperators at the initiation of the Northern and Eastern Mojave (NEMO) planning effort, of which the MNP is a part (page 324 of the MNP DEIS/GMP).
- DOC3 If you would like our assistance or suggestions to develop the means for presenting geologic and related mineral resources information to visitors to the MNP, please do not hesitate to contact us. We feel that mineral resources and related issues can and should be presented objectively in a manner that reflects their importance, not only to the aboriginal peoples who once lived in and traveled through the region, but to modern society as well.
- Mine Reclamation
- DOC4 The Surface Mining and Reclamation Act requires that every person conducting mining within the State of California have a reclamation plan and related financial assurances approved by the lead agency (Public Resources Code Section 2710 et seq.). The authorized lead agencies for mining in the Death Valley National Park and Mojave National Preserve are, respectively, Inyo and San Bernardino Counties.
- The National Park Service's regulations (Code of Federal Regulations (CFR) 36, Section 9.9) require that park and preserve Plans of Operations include all actions necessary to comply with applicable Federal, State and local laws or regulations, including the applicable regulations in 36 CFR, Chapter I. Therefore, any surface mine within the Park is subject to SMARA and required to have both a reclamation plan and financial assurances that meet the minimum state requirements.
- DOC5 In the past, Inyo County relied on small pits within the DVNP for road maintenance aggregate. However, with expanded park boundaries these pits are now under the jurisdiction of the National Park Service, which does not allow any removal of material from park lands for road maintenance. It is our concern that Inyo County, which is being asked

## Responses

DOC2: Comments are addressed in DOC1 above.

DOC3: Comments noted.

DOC4: Comments noted.

DOC5: The National Park Service agrees that this is a concern. Some of the former borrow sites are now included within Congressionally designated wilderness. This is as a result of an Act of Congress: the California Desert Protection Act of 1994, not a management action by the National Park Service. The National Park Service has no authority to disregard an Act of Congress, in fact we are duty bound to follow and obey the laws of Congress, including the Wilderness Act. We are working with Inyo County to determine the location and need for specific borrow sites. Once this is done Inyo County may wish to request adjustment through the Congressional process. At such time as the legal questions to the borrow pits are resolved the National Park Service is very amenable to the adoption of a memorandum of understanding with the county on the operation of the borrow pits.

## Comments

## Responses

Ms. Mary Martin and Mr. Richard Martin  
December 8, 2000  
Page 3

DOC5  
cont.

by the NPS to continue maintaining the roads, will be unable to do so unless these former borrow sites are re-opened by the NPS for County use. Based on DOC mineral resource mapping, aggregate materials needed for road maintenance and emergency road repair would have to be hauled great distances from outside the Park. Given that the cost of aggregate can double for every 50 miles of shipping distance, the cost of transporting road base from outside the park boundary could be prohibitive for the County. In addition, the increased haul truck travel miles would cause an increase in noise, dust, and road-wear impacts on the park. Therefore, we recommend that the DEIS/GMP for DVNP consider a contingent strategy for mine reclamation if prohibiting future mining in the Park subsequently proves infeasible.

DOC6

In consideration of the foregoing, we recommend that a Memorandum of Understanding (MOU) be entered into between NPS and DOC. A Draft MOU was previously forwarded to the NPS from the DOC for review and comment. However, no comment from the NPS has yet been received. An MOU currently exists between DOC, the United States (US) Forest Service and the US Bureau of Land Management (attached). This MOU serves as guidance for local, state and federal agencies in fulfilling their mutual regulatory responsibilities with respect to mine reclamation. The purposes of the MOUs are to: 1) assure adequate and appropriate mine reclamation; 2) simplify the administration by federal agencies of surface mining and reclamation practice requirements on a combination of federal and private lands; 3) achieve coordination of activities governing reclamation; and, 4) eliminate duplication among the federal, state and county lead agencies ("lead agencies" pursuant to the Surface Mining and Reclamation Act, Public Resources Code Section 2728) in implementing state and federal requirements.

Thank you for the opportunity to review and comment on the environmental documents and General Management Plans for Mojave National Preserve and Death Valley National Park. If you have questions on these comments or require assistance with mineral resource or mine reclamation issues, please contact Mr. Robert Hill (916/322-1083) or James Pompy (916/323-8565), respectively. You may also call me at 916/445-8733.

Sincerely,



Kenneth E. Trott  
Environmental Coordinator

Enclosure (8 pp.)

DOC6: We agree that an MOU considering the needs of both the National Park Service and the California Department of Conservation would be beneficial. We believe work is in process regarding an MOU.

## Comments

## Responses

Ms. Mary Martin and Mr. Richard Martin  
December 8, 2000  
Page 4

cc: Earl Gann  
Planning Department  
County of Inyo  
P.O. Box Drawer L  
Independence, CA 93526

Rich Touslee  
Land Use Services Department  
385 North Arrowhead Avenue, 3rd Floor  
San Bernardino, Ca 92415-4147

James F. Davis, State Geologist  
Division of Mines and Geology  
CA Department of Conservation

Glenn Stober, Assistant Director  
Office of Mine Reclamation  
CA Department of Conservation

Robert Hill, Supervising Geologist  
Division of Mines and Geology  
CA Department of Conservation

James Pompy, Unit Manager  
Reclamation Unit - Office of Mine Reclamation  
CA Department of Conservation

## Comments



**Inyo County Planning Department**  
 168 North Edwards Street  
 Post Office Drawer L  
 Independence, California 93526

Phone: (760) 878-0263  
 (760) 872-2706  
 FAX: (760) 872-2712  
 E-Mail: inyoPlanning@telis.org

*(Via facsimile - original to follow by mail)*

December 7, 2000

Richard H. Martin  
 Superintendent  
 Death Valley National Park  
 Death Valley, CA 92328

**SUBJECT: Resolution of the Board of Supervisors of Inyo County, California Addressing the Proposed Death Valley National Park (DVNP) General Management Plan (GMP) and Revised Draft Environmental Impact Statement (RDEIS).**

Dear Superintendent Martin:

Enclosed, please find a resolution of the Inyo County Board of Supervisors adopted on December 6<sup>th</sup>, 2000 commenting on the RDEIS and GMP for DVNP.

INYO1

Overall, the document is well written and does an excellent job setting forth the general framework for management of the Park. We appreciate your use of the Death Valley National Park Advisory Committee and Inyo County Collaborative Planning Team as tools for publicizing and soliciting public input on the document.

INYO2

Our comments are incorporated in the attached Board of Supervisors Resolution. In addition, Inyo County would like to comment that we are deeply concerned about a reference in the Proposed Action (pg. 85) that employee housing may be relocated from the Cow Creek area to locations outside the boundaries of the Park (perhaps Beatty or Pahrump, Nevada). We find the RDEIS's assessment of the Proposed Action's impacts on administrative operations and facilities in relation to relocation of Park services and employees (pg. 171) to be vague, unquantified, and inadequate under the National Environmental Policy Act (NEPA). If implemented, this portion of the Proposed Action could result in a significant adverse impact to local government operations (i.e. enrollment in the Death Valley Unified School District) and the County's obligations under California State Statute to provide its fair share of housing for all income groups. In any event, development of the Concept Plan for Furnace-Cow Creek should be subject to separate public review under NEPA with Inyo County as a Cooperating Agency.

Thank you for the opportunity to comment on the DEIS. Please contact me at the above address if you have any questions.

Sincerely,

Charles S. Thistlethwaite, AICP  
 Planning Director

Attachment: Board of Supervisors Resolution No. 2000-64

## Responses

INYO1: Comments noted.

INYO2: The National Park Service has no intention to "relocate" currently existing housing to a location outside of the Park. The National Park Service plans to maintain approximately the current level of housing units within the Park. The only possible exception to this might be the housing at Grapevine and Scotty's Castle. While Inyo County might on occasion be called upon to provide services in the Grapevine and Scotty's Castle areas, we are aware of no significant County resources that are devoted to those areas. Almost all facilities and amenities for employees and visitors are provided by the National Park Service. Currently no employees living in the area have children in school. The National Park Service is undertaking an analysis of this location to determine an alternative site. One site being reviewed is outside the Park. The site within the Park might turn out to be the preferred site, or the one outside might be. This will be dependent upon a wide complex of factors including water availability, land suitability, access, costs, amenities, commuting time and security. At such time as these plans get more developed they will be subject to NEPA compliance, including public review and input. That is probably to take place in 2002.

The reference on page 85 of the plan refers to "additional" housing for employees, not relocation of current housing. This would apply if the National Park Service in the future were to determine that additional housing were needed. The National Park Service currently has about 91 housing units within the park and about 45 transient trailer sites. Should future additional housing be required, one of the options that would be looked at very seriously would be building that additional housing outside of the Park. The purpose of this would be to try to limit the impact of additional Park housing on Park land and resources.

The National Park Service sees no current concern for Inyo County regarding the housing issue, since the National Park Service has no plans to relocate or reduce the number of employee housing units that are currently within the Park, except for the

## Comments

## Responses

### INYO COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 2000-64

#### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDRESSING THE PROPOSED DEATH VALLEY NATIONAL PARK MANAGEMENT PLAN AND REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT

**WHEREAS**, this Board of Supervisors is required by State law to adopt and enforce a General Plan, as well as subordinate land use plans, policies and regulations to govern the current and future use of all land in the County, including, to the extent possible, land within the County owned by the United States and administered by the United States Department of the Interior, National Park Service; and

**WHEREAS**, under the California Desert Protection Act enacted in 1994 (hereinafter referred to as CDPA), and the regulations enacted thereunder, as established by Sec.307(b)(1) of that Act, the Park Service is required to consult with concerned local governments, in a meaningful and good faith manner, in the formulation and implementation of its land use policies and regulations; and

**WHEREAS**, the Death Valley National Park Superintendent has stated the Park Service is committed to the inclusion of public involvement in the process of rewriting the Revised Draft Environmental Impact Statement (hereinafter referred to as RDEIS) addressing the management of Death Valley National Park; and

**WHEREAS**, there exists a Collaborative Planning Memorandum of Understanding for the establishment of a Collaborative Planning Team that includes the Death Valley National Park Service and Inyo County, as well as other state and federal agencies; and

**WHEREAS**, on the 27<sup>th</sup> day of October 1998, the Inyo County Board of Supervisors requested its Planning Department to execute and participate in this Collaborative Planning Memorandum of Understanding in order to provide a forum to cooperatively address areas of mutual concern; and

**WHEREAS**, because the Inyo County Board of Supervisors desires to have meaningful input regarding the implementation of this Death Valley National Park Management Plan Preferred Alternative (hereinafter referred to as DVNPMP) and RDEIS; and

**WHEREAS**, various issues addressed in the DVNPMP and RDEIS involving Inyo County are subject to the administrative purview of federal statutes, i.e., CDPA, SEC. 306(a)(b) Grazing; CDPA, SEC. 708 Access to Private Property; Revised Statute of the 1866 Mining Act (hereinafter referred to as RS) - 2477 Status of Roads and CFR §36(a)(b) Mining; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Inyo, State of California, that the issues identified by the Board concerning the RDEIS and DVNPMP are as follows:

possibility mentioned above where the county, to date has indicated no significant involvement.

On a related matter, since the 1980s the National Park Service has been developing collaborative office arrangements with local agencies outside of the Park. This includes the interagency visitor center in Lone Pine, California, the park ranger office in Bishop, California, the ranger station in Shoshone, California, the information station in Baker, California and the interagency facility in Lancaster, California. As a continuation of this cooperative effort the National Park Service is currently considering two programs. One is the possibility of stationing a park ranger in the Lone Pine area. The second is possibly establishing offices for a few employees in Beatty, Nevada in the near future. This will be used as workspace for a limited number of the Park's employee base. The National Park Service will maintain approximately the same level of offices and employees within the Park as in the past.



## Comments

## Responses

- INYO3 { A. Although listed as the last priority for acquisition of private in-holdings within the Park, the Amfac properties, including the Furnace Creek Ranch and Inn, are identified as potential Park acquisitions, contingent upon the participation of a willing seller;
- [Comment: The purchase of these and other private in-holdings by the Park Service in Inyo County within Park boundaries would negatively impact County property tax revenues, and therefore would not be in the best interest of the County. Furthermore, the Land Use Element of the Inyo County General Plan promotes, by policy, the opposition to any net loss of privately owned property within the County, resulting from government acquisition.]*
- INYO4 { B. Said documents recommend maintaining existing, valid grazing permits, subject to resource constraints, and the retirement of those no longer in use;
- [Comment: Inyo County supports this policy, with the position that any alteration or cessation of these activities be subject to public review under the provisions of the National Environmental Protection Act (NEPA).]*
- INYO5 { C. Said documents, under Section 708 of the CDPA, obligate the Park Service to allow access to private in-holdings for reasonable use;
- [Comment: The County concurs with this policy, however, this Board restates its policy of opposing the net loss of privately owned property within the County resulting from government acquisition.]*
- INYO6 { D. Said documents have deferred decisions on the status of roads within the Park, subject to RS - 2477 and a future analysis of roads in a forthcoming Backcountry/Wilderness Analysis;
- [Comment: Inyo County supports this policy, with the position that any limitation of access or closure of these roads be subject to public review under the provisions of the National Environmental Protection Act (NEPA), said statutes and any subsequent management plans.]*
- INYO7 { E. Said documents support a policy of continued mining on valid claims subject to the provisions of CFR §36, 9(a)(b), with the long term intent of claim acquisition to consolidate Park ownership and promote the goals and vision of the Park's mission to manage the Park in as natural a state as possible;
- [Comment: The County concurs with the Park's position, however, maintenance of County roads within the Park, specifically in the Saline Valley, will require the County to continue operating borrow pits to perpetuate the current level of maintenance. The County believes this is clearly in the best interest of the Park, as continued access to this area is supported in said documents and promoted by proposed Park management policies. Additionally, the County expresses concern with the mandated need to provide emergency maintenance. The County has identified, and described in the attached*

INYO3: Comment noted.

INYO4: Comment noted.

INYO5: Comment noted.

INYO6: Comment noted.

INYO7: This is the same comment as DOC5. Please refer to the response to DOC5.

In addition to our response to DOC5, the National Park Service is very amenable to working with Inyo County to determine and resolve any questions of location, need and legal status of the borrow pits. We believe that some of the pits may be within Congressionally designated wilderness. Where this is the case the National Park Service has no authority to change the mandates of Congress. In these cases the county may wish to work through the Congressional process to resolve this matter. If there are borrow pits within the Park that are outside of wilderness, the National Park Service has the authority to authorize the county to utilize the pits given NEPA compliance and resource, safety, and aesthetic considerations. The National Park Service will be pleased to work with the county to reach full understanding and resolution to this matter.

## Comments

## Responses


- INYO7 cont. { "Exhibit A", the location of said borrow pits and will propose the adoption of a Memorandum of Understanding with the Park Service to address this issue.]
- INYO8 { F. Said documents recognize the regulatory authority of Inyo County on privately owned property within the Park, with respect to land use, health and safety services;  
[Comment: Inyo County believes its regulatory authority is compatible with the long term purpose and goals of the Park and will be exercised in a responsible and supportive direction.]
- INYO9 { G. Said documents have deferred specific management direction concerning the status of specific roads and the management of the Saline Valley recreation area to future determination and specific management plans;  
[Comment: On behalf of the citizens of Inyo County and the recreating public, the County requests that the forthcoming Saline Valley Management Plan, the Backcountry/Wilderness Plan, and validity status of roads under RS - 2477 be subject to public review with respect to NEPA and all the applicable statutes.]

INYO8: Comment noted.

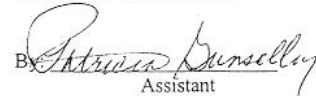
INYO9: Comment noted.

PASSED AND ADOPTED THIS 5th DAY OF DECEMBER 2000, BY THE FOLLOWING VOTE:

AYES: Supervisors Arcularius, Bear, Hambleton, and Dorame  
NOES: -0-  
ABSTAIN: -0-  
ABSENT: Supervisor Lent

  
Michael Dorame, Chairperson  
Inyo County Board of Supervisors

ATTEST:  
RENÉ MENDEZ  
CLERK OF THE BOARD

By:   
Assistant

**Comments**

**Responses**



Jeffrey S. Jewett, Road Commissioner  
Robert Brown, Road Superintendent

**ROAD DEPARTMENT**

P.O. DRAWER Q  
INDEPENDENCE, CA 93526  
PHONE: (760) 878-0201  
FAX: (760) 878-2001

COUNTY  
OF  
**INYO**

**EXHIBIT A**

## Comments

## Responses

42

### LEE FLAT BORROW SITE

#### GENERAL INFORMATION

Project Name : Lee Flat Borrow Site  
Commodity to be Mined : Decomposed Granite  
Estimated Annual Production : As needed  
Operator : Inyo County Road Department  
Owner Surface / Mining Rights : National Park Service / Death Valley

#### LOCATION # 1

From Hwy 190 and Saline Valley intersection 9.6 miles

Section:-13 Township:-16-S Range:- 40-E Elevation- 5,320 feet

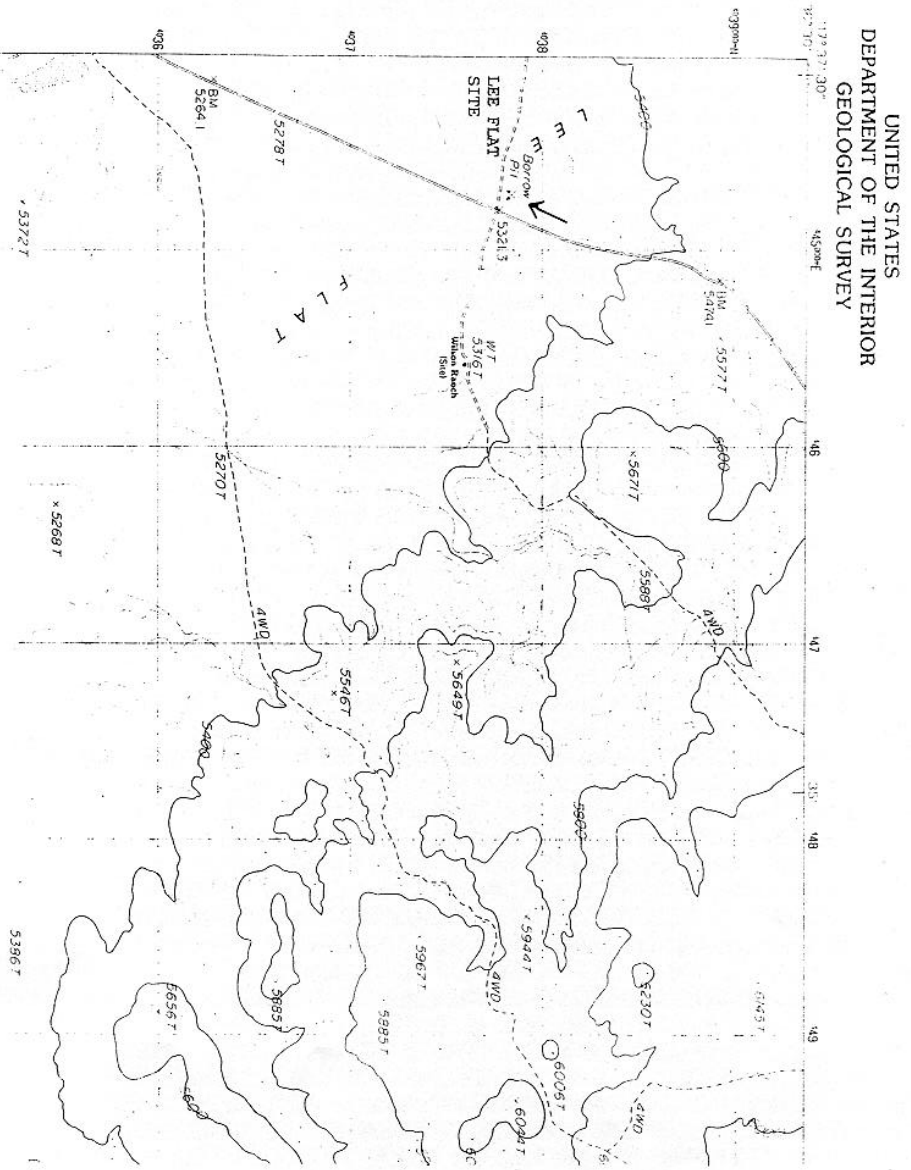
Base and Meridian:- MDBM Latitude :- 36-29-09 Longitude :-117-37-04

U.S. Geological Survey  
Lee Wash 7.5  
Quadrangle Map

Attached is a 7.5 Quadrangle map of this site.

## Responses

## Comments



## Comments

## Responses

44

### TIN BARN BORROW SITE

#### GENERAL INFORMATION

**Project Name :** Tin Barn Borrow Site  
**Commodity to be Mined :** Decomposed Granite  
**Estimated Annual Production :** As needed  
**Operator :** Inyo County Road Department  
**Owner Surface / Mining Rights :** National Park Service / Death Valley

#### LOCATION # 3

From Hwy 190 and Saline Valley intersection 16.6 miles

**Section:- Township:- Range:-** Not surveyed **Elevation-** 5,655 feet

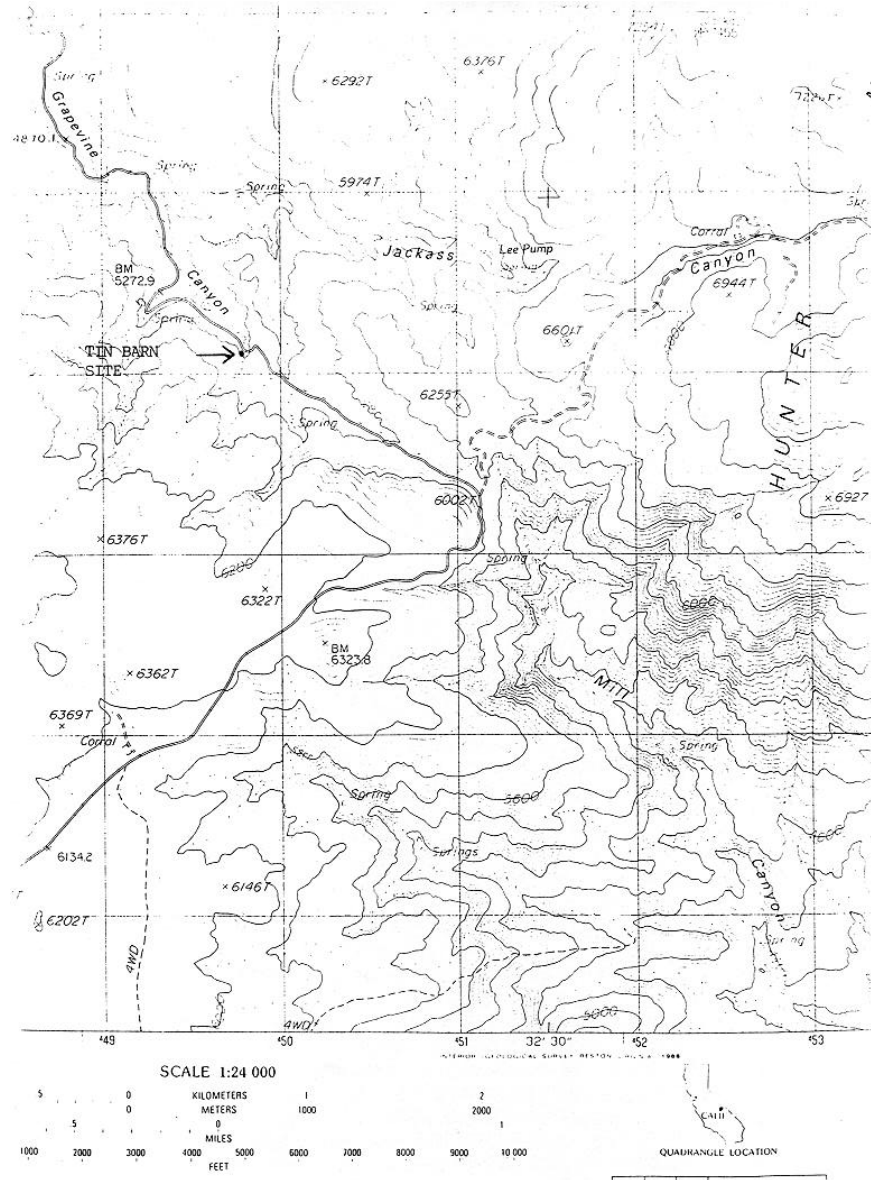
**Base and Meridian:-** MDBM **Latitude :-** 36-31-55 **Longitude :-** 117-33-44

U.S. Geological Survey  
Jackass Canyon 7.5  
Quadrangle Map

Attached is a 7.5 Quadrangle map of this site.

## Comments

## Responses



## Comments

## Responses

46

### CAMP BORROW SITE

#### GENERAL INFORMATION

Project Name : Camp Borrow Site  
Commodity to be Mined : Decomposed Granite  
Estimated Annual Production : As needed  
Operator : Inyo County Road Department  
Owner Surface / Mining Rights : National Park Service / Death Valley

#### LOCATION # 5

From Hwy 190 and Saline Valley intersection 20.6 miles

Section:- Township:- Range:- Not surveyed Elevation- 4,000 feet

Base and Meridian:- MDBM Latitude :- 36-34-10 Longitude :-117-35-54

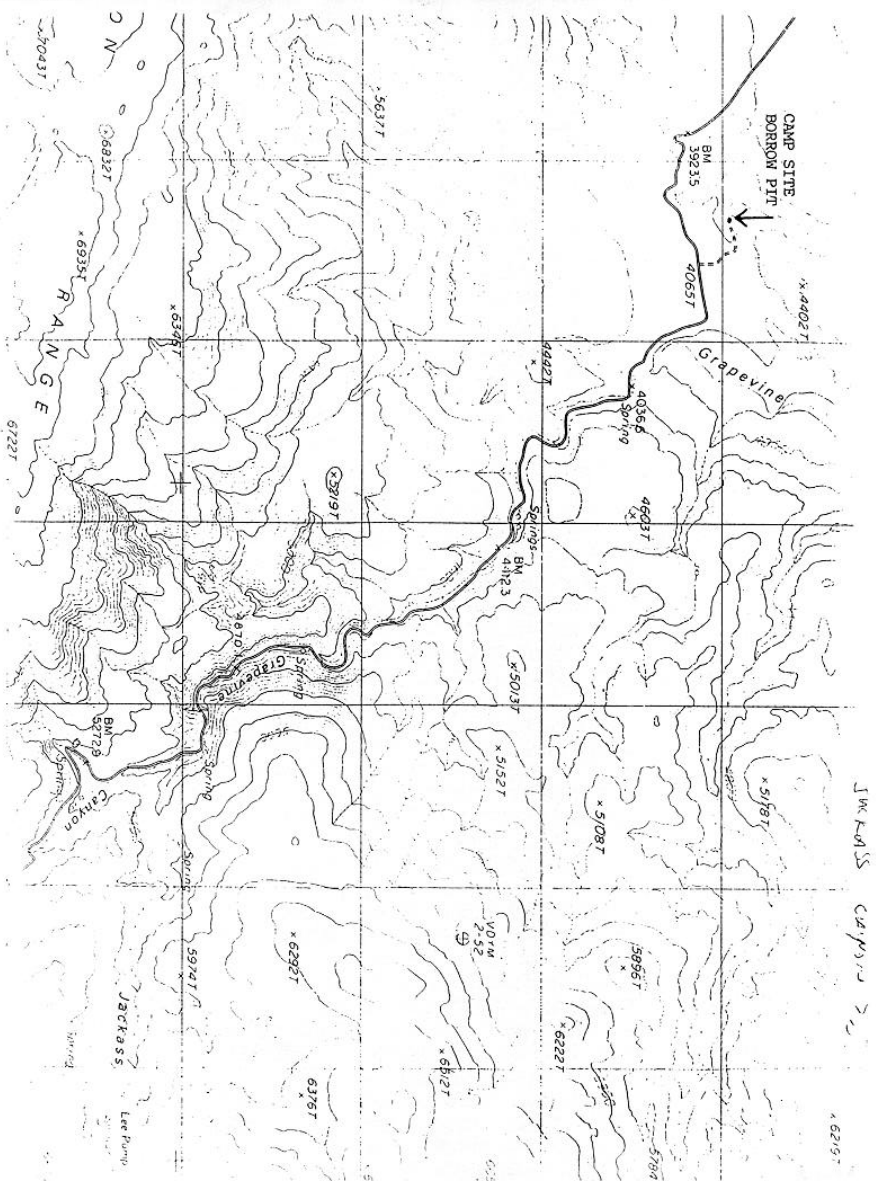
U.S. Geological Survey  
Jackass Canyon 7.5  
Quadrangle Map

Attached is a 7.5 Quadrangle map of this site.



## Responses

## Comments



## Comments

## Responses

### WAUCOBA BORROW SITE

#### GENERAL INFORMATION

Project Name : Waucoba Borrow Site  
Commodity to be Mined : Decomposed Granite  
Estimated Annual Production : As needed  
Operator : Inyo County Road Department  
Owner Surface / Mining Rights : National Park Service / Death Valley

#### LOCATION # 8

From Hwy 190 and Saline Valley intersection 61.4 miles

Section:-28 Township:-11-S Range:-37-E Elevation- 5,000 feet

Base and Meridian:- MDBM Latitude :- 36-57-38 Longitude :-117-55-42

U.S. Geological Survey  
Waucoba Canyon 7.5  
Quadrangle Map

## Responses

## Comments

